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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELLIOT EISENBERG,

Plaintiff,

v.

THE MCGRAW-HILL COMPANIES, INC.

Defendant.

ECF CASE
Case No. 08-cv-5366 (JGK)

REPORT OF CONFERENCE
PURSUANT TO RULE 26(F)

Scheduling Order

Pursuant to Fed. R. Civ. P. 26(f), Elliot Eisenberg, ("Plaintiff") and McGraw Hill ("Defendant") held a conference on August 14 and 20, 2008 to, among other things, develop a proposed discovery plan. In accordance with their conference, the parties jointly propose the following plan:

Initial Disclosures: Plaintiff and Defendant will serve initial disclosures pursuant to Fed.

R. Civ. P. 26(a) by no later than September 30, 2008.

Discovery Plan: Plaintiff and Defendant have agreed upon the following plan for discovery:

Plaintiff and Defendant will exchange document requests by September 30, 2008.

~~Plaintiff and Defendant will respond in writing to the document requests by October 30, 2008.~~

~~Plaintiff and Defendant will produce documents responsive to the document requests by November 20, 2008.~~

The fact discovery cut-off shall be ~~March 2, 2009~~ *January 11, 2009*.

~~Plaintiff will produce expert reports, if any, by April 1, 2009~~

~~Defendant will produce expert reports, if any, by May 1, 2009~~

Expert depositions will be completed by ~~June 1, 2009~~ *March 28, 2009*.

Dispositive Motions: Dispositive motions will be filed by Plaintiff and Defendant by ~~June 26, 2009~~ *April 18, 2009*.

Amendment: The deadlines set forth herein may be extended only by order of the Court for good cause shown.

Settlement: The parties discussed settlement. As of the date of this report, no settlement has been negotiated.

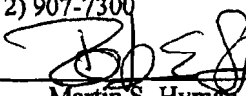
*Joint Pre-Trial is due 5/19/09.
Ready Trial Date, 48 hours notice, 5/23/09.
If a dispositive motion is made, the Joint Pre-Trial
Order date and 2 Ready Trial Date are
adjourned to a date 3 weeks and 4 weeks
respectively after a decision on the Dispositive motion.
Parties should notify the court by 9/17/08
whether they consent to trial before the U.S. Judge.
8/25/08 5:00 order. J. G. Kelly*

Dated: New York, New York
August 20, 2008

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By



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